



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.2621 of 2017

R.Alexander

.. Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil - 1.
- 2.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
- 3.The Executive Officer,
Karungal Selection Grade Panchayat,
Karungal - 629 157,
Kanyakumari District.
- 4.The Executive Engineer,
Kodayar Basin Irrigation,
Public Works Department,
Nagercoil, Kanyakumari District.
- 5.N.Jerold Selvaraj

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent in Bagavathikulam in Re.Sy.No.660/15, Pebinkulam Re.Sy.No.660/2 and Pattanamkalvai Re.Sy.No.660/17 of Karungal Village, Vilavancode Taluk, Kanyakumari District and consider the petitioner's representation dated 21.03.2016.

For Petitioner

: Mr.D.Christenson Jugunu

For Respondents 1 to 4

: Mr.D.Muruganandam,
Additional Government Pleader.



ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments which are in existence in Re-Survey Nos.660/15, 660/2 and 660/17, Karungal Village, Vilavancode Taluk, Kanyakumari District, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondent.

3.The main contention putforth on the side of the petitioner is that in Karungal Village, Re-Survey Nos.660/15, 660/2 and 660/17 are classified as tanks, wherein the fifth respondent has made certain encroachments and further on 21.03.2016, a representation has been given by the petitioner. But the same has not been considered.

4.Even though it has been contended to the effect that the survey numbers mentioned in the petition have been classified as tanks, no reliable documents have been filed. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed in part without costs and the fourth respondent is directed to look into the representation dated 21.03.2016 alleged to have been given by the petitioner and dispose of the same within a period of two months.

Sd/-

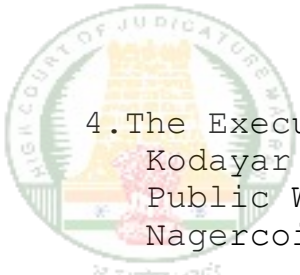
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil - 1.
- 2.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
- 3.The Executive Officer,
Karungal selection grade Panchayat,
Karungal - 629 157, Kanyakumari District.



4.The Executive Engineer,
Kodayar Basin Irrigation,
Public Works Department,
Nagercoil, Kanyakumari District.

+1 cc to Mr. D.CHRISTENSON JUGUNU,ADVOCATE, SR NO.8534

+1CC TO SPECIAL GOVERNMENT PLEADER , SR NO.8931

smn

MAS/MR:27.02.2017:3P/7C

ORDER MADE IN
W.P (MD) No.2621 of 2017
16.02.2017